

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

DEC - 3 2007

Case No. 5640
Date Filed 11/27/07
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

CASE 5640 MAP 13 TYPE Variance ELECTION DISTRICT 05

LOCATION 2002 Castleton Road, Darlington 21034

BY Richard and Cynthia Carr

Appealed because a variance pursuant to Section 267-41D(5)(e) of the Harford
County Code to permit disturbance to a 75 foot non-tidal wetland buffer in the AG
District required approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Richard Carr Phone Number 410-836-3717
Address 2002 Castleton Rd Darlington MD 21034
Street Number Street City State Zip Code

Co-Applicant Cynthia L. Carr Phone Number 410-836-3717
Address SAME
Street Number Street City State Zip Code

Contract Purchaser American Design & Build Attn: Darryl Fallis
Address 221 Gateway Drive Bel Air MD 21014
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2002 Castleton Rd

Darlington Md 21034

Subdivision Lafayettes Crossing Lot Number 4

Acreage/Lot Size 15.46 Election District 35A 5 Zoning Ag.

Tax Map No. 0013 Grid No. 0003A Parcel 0009 Water/Sewer: Private X Public

List ALL structures on property and current use: Frame Farm House 2 story 16'x45'

Stone Barn 20'x50' House is our residence and barn is used for storage

Estimated time required to present case: 30 min.

If this Appeal is in reference to a Building Permit, state number It is a request to procure a permit.
for 4 seasons Room

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes No X

Is this request within one (1) mile of any incorporated town limits? Yes No X

Request

See Attachment

Justification

See Attachment

*Additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval
(Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

Request Sheet & Justification

To be able and to add a four season room ON OUR existing deck. The room would be the same size of the existing deck 12' x 16'. The work is under contract with American Design & Build of Bel Air Md.

The deck does meet all code requirements as required by Harford County Insp. Dept. We are requesting a Variance for the room to be built because of the home which is over a 100 yrs old, is either in or very near to a wetland.

This is the only location at the house, where we could add on, this presents a hardship. As our family is growing and we need more space for our children & grand children.

This space would provide that plus increase the esthetics of the home and as the home is set back in a wooded area this change does not affect any visual or neighbor concerns.

As the plat 64/90 denotes the house on lot #4 is an existing non-conforming structure on the West side and does not meet the 40' set back. As noted the East side is the only way to add this structure.

It is the hardship that this causes us, to be restricted because of past building practices & measures. These practices in comparison to current regulations leaves us with not very many avenues to pursue if any!

It is my & my wife's request to the Board to approve this project based on the fact that this structure & lot are very unique & difficult, as well as an unreasonable hardship on our family.

We look forward to a favorable response from the Board of Appeals of Harford County!

Thank You Sincerely!

K. B. Carr
Cynthia J. Carr


To: Harford County
Board of Appeals

From: Richard Carr
Cynthia L. Carr

RE: 2002 Castleton Rd
Darlington Md 21034

This letter is to verify to our
knowledge that as per our deed of ownership
that we are not in violation of any covenants,
rules or regulations that may be required
at our location 2002 Castleton Rd. We find
that this work as described ~~is~~ consistent
with the adjoining properties & lands.

Sincerely:


Richard Carr

Cynthia L. Carr
Cynthia L. Carr





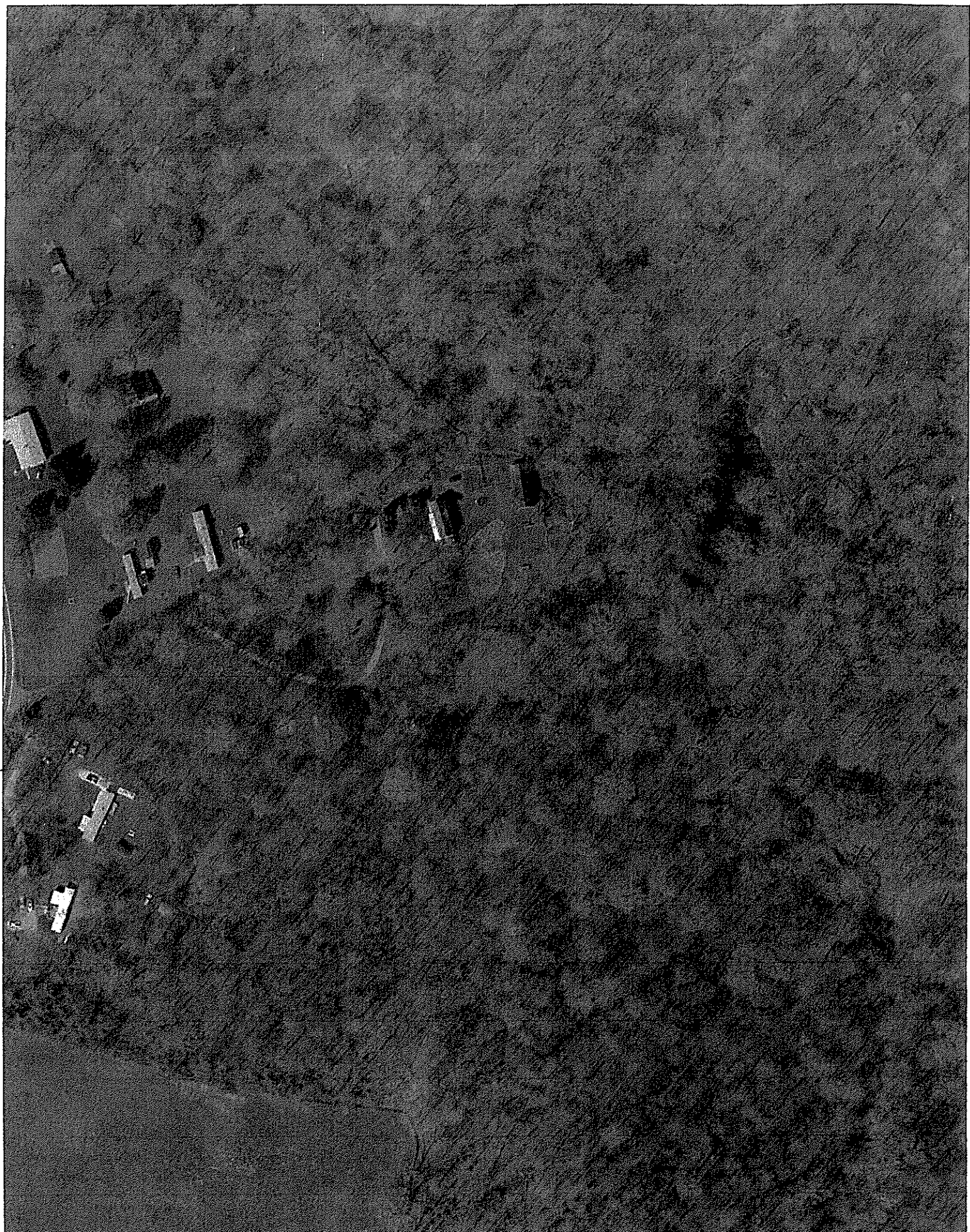
MDHARF004019N.e1gOb1g0375W_070104.psi

100 %

East



(c) Copyright 2007 Pictometry International Corp



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 26, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5640

APPLICANT/OWNER: Richard Carr
2002 Castleton Road, Darlington, Maryland 21034

Co-APPLICANT: Cynthia L. Carr
2002 Castleton Road, Darlington, Maryland 21034

REPRESENTATIVE: Applicants

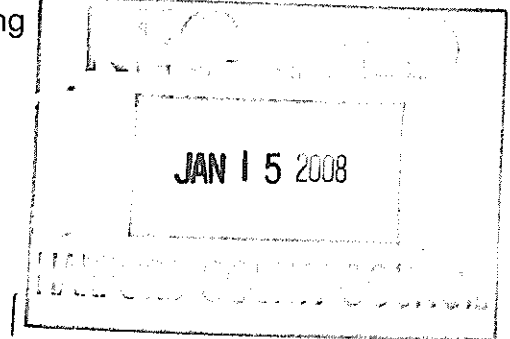
LOCATION: 2002 Castleton Road
Tax Map: 13 / Grid: 3A / Parcel: 9 / Lot: 4
Election District: Five (5)

ACREAGE: 15.46 acres

ZONING: AG/Agricultural

DATE FILED: November 27, 2007

HEARING DATE: January 23, 2008



APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-41D(5)(e) of the Harford County Code to permit disturbance to a 75-foot non-tidal wetland buffer in the AG/Agricultural District.

Preserving Harford's past; promoting Harford's future (410) 638-3103

STAFF REPORT

Board of Appeals Case Number 5640

Richard and Cynthia Carr

Page 2 of 4

Section 267-41D(5)(e) of the Harford County Code reads:

- (e) *Nontidal wetlands shall not be disturbed by development. A buffer of at least seventy-five (75) feet shall be maintained in areas adjacent to wetlands.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located on the north side of Castleton Road (MD Route 623) east of Flintville Road. The subject property is known as Lot 4 of Lafayette's Crossing. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Natural Features Map reflects Stream Systems, Sensitive Species Project Review Areas, and Agricultural Preservation Districts and Easements. The subject property is designated as Agricultural which is defined by the 2004 Land Use Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling units for every 10 acres. Commercial uses within this area are intended to serve the agricultural industry or residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of the Dublin-Darlington Community Area Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses generally conform to the intent of the Master Plan. The subject property is bordered to the east by the Susquehanna River and the area is densely wooded. Residential uses in the area include single family dwellings.

The topography of this area ranges from rolling to very steep especially near the stream valleys and along the Susquehanna River. The subject property is located in a stream valley with moderate to very steep slopes on all sides of the property. There are extensive areas of non-tidal wetlands and Natural Resource District (NRD) buffer associated with a stream that traverses the subject property. Enclosed with the report are copies of the aerial photograph and topography map (Attachments 6 and 7).

The subject property is irregularly shaped, contains approximately 15.46 acres and is known as Lot 4 of the Lafayette's Crossing subdivision. Access to the subject property is obtained via a

STAFF REPORT

Board of Appeals Case Number 5640

Richard and Cynthia Carr

Page 3 of 4

right-of-way that extends to Castleton Road. However, the subject properties road frontage is along Flintville Road. The subject property is surrounded by other large lots that are improved with single-family dwellings. The subject property is currently improved with a single-family dwelling and a barn. The dwelling and the barn are very old. It is important to note that the dwelling is considered an existing non-conforming structure since it is located within the required side yard setback and is located almost entirely within the 75-foot Natural Resource District (NRD) buffer. Enclosed with the report are site photographs (Attachment 8).

Zoning:

The zoning classifications in the area are generally consistent with the 2004 Master Plan as well as the existing land uses. The primary zoning classification in this area of the County is AG/Agricultural District. The subject property is zoned AG/Agricultural District as shown on the enclosed copy of the Zoning Map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-41D(5)(e) of the Harford County Code to permit disturbance to a 75-foot non-tidal wetland buffer in the AG/Agricultural District.

Section 267-41D(5)(e):

- (e) *Nontidal wetlands shall not be disturbed by development. A buffer of at least seventy-five (75) feet shall be maintained in areas adjacent to wetlands.*

Section 267-41D(6):

- (6) *Variances. The Board may grant a variance to Subsection D(3), (4) or (5) of the Natural Resources District regulations upon a finding by the Board that the proposed development will not adversely affect the Natural Resources District. Prior to rendering approval, the Board shall request advisory comments from the Zoning Administrator, the Soil Conservation Service and the Department of Natural Resources.*

The Applicants propose to construct a 16-foot by 12-foot sunroom on top of an existing deck. The deck is situated on the east side of the house. As stated above, the dwelling is recognized as an existing non-conforming structure since it is located within the required side yard setback and located almost entirely within the 75-foot Natural Resource District (NRD) buffer. The required side yard setback is 40-feet for the AG/Agricultural District and the existing dwelling is located approximately 10-feet from the side lot line. The construction of the sunroom over top the existing deck is the only practical location due to the dwellings proximity to the side lot line, the layout of the dwelling, and extensive areas of non-tidal wetlands and buffer that restrict the lots building envelope.

STAFF REPORT

Board of Appeals Case Number 5640

Richard and Cynthia Carr

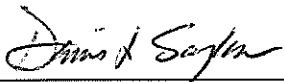
Page 4 of 4

The Department finds that the subject property is unique based on its configuration, the location of the dwelling, and the amount of non-tidal wetlands, buffer, and steep slopes found on the lot. The requested variance is minor in nature and will not adversely impact the buffer or adjacent properties.


The Department has not received comments from the Soil Conservation District or the Maryland Department of the Environment.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the Applicants obtaining all necessary permits and inspections.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf